IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 1573 of 2004 (S/S)

Bhawani Dutt
S/o Sri Khima Nand

…… Petitioner

Versus

1. State of Uttaranchal
through Secretary,
Public Works Department,
Govt. of Uttaranchal, Dehradun.
2. Chief Engineer Level -1,
(Engineer-in-Chief)
Public Works Department
Uttaranchal.
3. Chief Engineer Level -II
(Kumaon Division) Public Works Dept.
Almora.
4. Executive Engineer
Provincial Division, Public Works Dept.
Champawat.
5. Executive Engineer,
Provincial Division, Public Works Deptt.,
Pithoragarh.

…….. Respondents

None for the petitioners.
Mr. Paresh Tripathi, learned Brief Holder for the State.

Hon'ble Prafulla C. Pant, J.

None present for the petitioenr.

Learned Brief Holder is present for the State.

2) By means of this writ petition, the petitioner, who is a Beldar (daily wage worker) with the Public Works Department, has sought his regularization in service.

3) In view of the principle of law laid down in ***Secretary State of Karnataka Vs. Uma Devi, reported in 2006***

A.I.R.S.C.W. Page 1991, that daily wage workers and the persons employed without undergoing regular selection process under the rules, should not be permitted to be absorbed or regularized in the service, against the Constitutional Scheme of public employment, this Court is not inclined to issue direction to regularise services of the petitioner.

4) Therefore, the writ petition is dismissed. Interim order dated 24.12.2004 stands vacated. (All pending applications in this Petition also stand disposed of).

(Prafulla C. Pant, J.)

Dt.: November 15, 2006
H.Negi